

ENTERED

October 20, 2020

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

RODNEY POUILLARD, Jr.,

Plaintiff,

VS.

CASEY HOWARD, *et al.*,

Defendant.

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CIVIL ACTION NO. H-20-454

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION AND GRANTING
THE DEFENDANT'S MOTION DISMISS AND DENYING THE
PLAINTIFF'S MOTION FOR APPOINTMENT OF COUNSEL**

This court has reviewed the Memorandum and Recommendation of Judge Sam Sheldon signed on September 16, 2020, and made a *de novo* determination. Fed. R. Civ. P. 72; 28 U.S.C. § 636(b)(1)(C); *United States v. Wilson*, 864 F.2d 1219 (5th Cir. 1989). Based on the pleadings, the record, and the applicable law, the court adopts the Memorandum and Recommendation as this court's Memorandum and Order. This court finds and concludes that Judge Sheldon's decisions granting Casey Howard's motion to dismiss and denying Rodney Poullard, Jr.'s motion for appointment of counsel are supported by substantial evidence in the record and that Judge Sheldon properly applied the legal standards. Howard's motion to dismiss, (Docket Entry No. 4), is granted, with leave for Poullard to amend no later than November 6, 2020. Poullard's motion for appointment of counsel, (Docket Entry No. 10), is denied.

SIGNED on October 20, 2020, at Houston, Texas.



 Lee H. Rosenthal
Chief United States District Judge